

ENTERED

June 29, 2018

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

ROGIERO MONTEMAYOR,

§

Plaintiff,

§

VS.

§

US BOS EXPEDITE, LLC, *et al.*,

§

Defendants.

§

CIVIL ACTION NO. 5:17-CV-236

DIRECTIVE TO CLERK OF COURT

The parties have submitted a proposed “Agreed Take-Nothing Judgment” (Dkt. 11), which the Court construes as a self-effectuating joint stipulation of dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(ii) because it is signed by all parties. Accordingly, this case is dismissed,¹ and the Clerk of Court is hereby DIRECTED to TERMINATE this case.

SIGNED this 29th day of June, 2018.



Diana Saldaña
United States District Judge

¹ The parties did not explicitly state whether the dismissal is with prejudice or without prejudice. However, the dismissal appears to be with prejudice because “[a] take nothing judgment . . . is a judgment on the merits, and is inconsistent with a dismissal without prejudice.” *See Qaddura v. Indo-European Foods, Inc.*, 141 S.W.3d 882, 894 (Tex. App.—Dallas 2004, pet. denied); *accord Howeth Invs., Inc. v. White*, 227 S.W.3d 205, 211 (Tex. App.—Houston [1st Dist.] 2007, no pet.) (“A take-nothing judgment is one on the merits.”).